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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,326	10/31/2006	Andreas Kellner	DE040027	9312

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

SAFAIPOUR, BOBBAK

ART UNIT	PAPER NUMBER
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2618

MAIL DATE	DELIVERY MODE
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07/21/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/597,326	Applicant(s) KELLNER ET AL.	
	Examiner BOBBAK SAFAIPOUR	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 May 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

Claims 1-2, 4-5, 9, 12 and 14 recite the word "programme" or "programmes". Replace "programme" and/or "programmes" with --program-- or --programs-- where appropriate.

Claim 10 recites the word "fibre". Replace "fibre" with --fiber-- where appropriate.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by **Mackintosh et al. (US 6,317,784 B1; hereinafter Mackintosh)**.

Consider **claim 1**, Mackintosh discloses a method of providing a personalized broadcast service, characterized in that the method includes steps of:

(a) arranging for a content provider (40) (figure 1, item 108; read as broadcast provider) to be coupled in communication with one or more user devices (30) (figure 1; user 112) and a

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broadcast service (50) (abstract; read as broadcast service provider), the one or more user devices (30) being operable to present personalized programme content to their respective one or more users (20) (figure 2, item 146; read as supplemental material played in conjunction with program material);

(b) receiving at the broadcast service (50) user profile information (100) from the one or more users (20) (col. 5, lines 38-60; figure 1, read as user 112 ↔ data server 116);

(c) receiving at the broadcast service (50) programme content indicative data (110) from the content provider (40) (figure 1; col. 6, lines 5-20);

(d) providing to the one or more devices (30) an a priori recording schedule (130) derived from at least one of the profile information (100) and the programme content indicative data (110) (col. 5, lines 51-60; read as schedule of program materials);

(e) receiving programme content (140, 150, 160) at the broadcast service and the one or more user devices (30) and recording said received programme content at the one or more user devices (30) (col. 6, lines 5-20; read as stored on data server);

(f) analyzing the received programme content at the broadcast service (50) to generate an a posteriori selection schedule (200) (col. 5, lines 51-60; schedule of program materials);

(g) receiving the a posteriori selection schedule (200) at the one or more user devices (30) and processing the programme content recorded at the one or more user devices (30) pursuant to the a posteriori selection schedule (200) to generate the personalized programme content for presentation to the one or more users (20) (col. 6, line 56 to col. 7, line 7; read as data server can build a schedule for retrieval).

Consider **claim 2**, and **as applied to claim 1 above**, Mackintosh discloses the claimed invention wherein the programme content indicative data (110) includes at least one of electronic programme guide (EPG) data and its associated meta data. (col. 5, lines 7-17)

Consider **claim 3**, and **as applied to claim 1 above**, Mackintosh discloses the claimed invention wherein the user profile information (100) is communicated to the broadcast service (50) by one or more of: via the one or more user devices (30), via a communication network such as the Internet, via a call centre, and by completion of one or more questionnaires at premises where the one or more user devices (30) are initially purchased. (col. 5, lines 7-29)

Consider **claim 4**, and **as applied to claim 1 above**, Mackintosh discloses the claimed invention wherein the broadcast service (50) is operable to construct the a priori recording schedule (130) by processing a list of available and receivable stations, and EPG data (110) including a corresponding list of temporally non-conflicting programmes. (figure 7; col. 5, lines 7-17 and col. 6, line 5, lines 51-60)

Consider **claim 5**, and **as applied to claim 1 above**, Mackintosh discloses the claimed invention wherein the broadcast service (50) is operable to perform an analysis of programme content recorded thereat to generate the a posteriori selection schedule (200) for communicating to the one or more user devices (30). (col. 5, lines 51-60)

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Consider **claim 6**, and **as applied to claim 5 above**, Mackintosh discloses the claimed invention wherein the analysis utilizes at least one of: speech recognition, keyword spotting, topic detection, music genre classification, image analysis, video analysis. (col. 9, lines 8-18)

Consider **claim 7**, and **as applied to claim 1 above**, Mackintosh discloses the claimed invention wherein the broadcast service (50) is operable to perform an analysis of user profile information to generate the a posteriori selection schedule (200) for communicating to the one or more user devices (30). (col. 5, lines 51-60)

Consider **claim 8**, and **as applied to claim 2 above**, Mackintosh discloses the claimed invention wherein the meta data (110) includes parameters relating to at least one of: genre classification, topic information and summaries, subjective ratings. (col. 9, lines 8-18)

Consider **claim 9**, and **as applied to claim 1 above**, Mackintosh discloses the claimed invention wherein the programme content is arranged to be communicated from the content provider (40) through relatively high bandwidth channels in step (e), and at least one of the user profile information (100) in step (a), the programme content indicative data (110) in step (b), the recording schedule (130) in step (d) and the selection schedule (200) in step (f) are arranged to be communicated through relatively low bandwidth channels. (col. 5, lines 7-17; read as different program mediums)

Consider **claim 10**, and **as applied to claim 9 above**, Mackintosh discloses the claimed invention wherein: (a) said relatively high bandwidth channels include one or more of satellite broadcast, terrestrial radio wave broadcast, wide-bandwidth optical fibre broadcast, broadband Internet; and (b) said relatively low bandwidth channels include one or more of radio wave communication, radio telephony, lower bandwidth optical fibre. (col. 5, lines 7-17; read as different program mediums)

Consider **claim 11**, and **as applied to claim 1 above**, Mackintosh discloses the claimed invention wherein the user profile information (100) stored at the broadcast service (50) is capable of being updated in response to feedback from the one or more users (20). (col. 5, lines 38-60)

Consider **claim 12**, Mackintosh discloses a communication system for distributing personalized programme content operable **according to the method of claim 1**. (abstract)

Consider **claim 13**, Mackintosh discloses a user device (30) operable to function **according to the method of claim 1**. (figure 7)

Consider **claim 14**, Mackintosh discloses a Personalized programme data content (220) generated **according to the method of claim 1**. (abstract)

Conclusion

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Bobbak Safaipour whose telephone number is (571) 270-1092. The Examiner can normally be reached on Monday-Friday from 9:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

/Bobbak Safaipoor/
Examiner, Art Unit 2618

July 16, 2009

/Matthew D. Anderson/

Supervisory Patent Examiner, Art Unit 2618